

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3 BEFORE THE HONORABLE CARL W. HOFFMAN, MAGISTRATE JUDGE
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4 UNITED STATES OF AMERICA, :
5 :
6 Plaintiff, : No. 2:16-cr-100-GMN-CWH
7 :
8 -vs- : September 6, 2018
9 :
10 JAN ROUVEN FUECHTENER, : Las Vegas, Nevada
11 :
12 Defendant. :
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TRANSCRIPT OF MOTION HEARING

APPEARANCES:

FOR THE PLAINTIFF: BRANDON JAROCK and MARK WOOLF
Assistant United States Attorneys
Las Vegas, Nevada

FOR THE DEFENDANT: KAREN CONNOLLY
Attorney at Law
Las Vegas, Nevada

Transcribed by: Margaret E. Griener, CCR #3, FCRR
Official Reporter
400 South Virginia Street
Reno, Nevada 89501

1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 6, 2018, 2:52 P.M.

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4 THE CLERK: This is the time set for United
5 States of America versus Fuechtener, case number
6 2:16-cr-100-GMN-CWH.

7 Counsel, please enter your appearances.

8 MS. CONNOLLY: Karen Connolly for Jan Rouven
9 Fuechtener who is present.

10 THE COURT: Good afternoon, counsel.

11 The government is conspicuous by its absence. My
12 courtroom administrator has called the U.S. Attorney's office
13 several times, and they have not produced anybody.

14 I'm going to go ahead and proceed without the
15 government representative here, and I will issue an order to
16 show cause on why they shouldn't be held in contempt for their
17 failure to appear today.

18 So when we left off last time we were considering
19 the question of Ms. Connolly's motion to withdraw from the
20 case under number 289, and in that context I asked whether or
21 not Mr. Fuechtener would be able to work out something to come
22 up with some money to pay Ms. Connolly.

23 Has that issue been resolved?

24 MS. CONNOLLY: Judge, I would just ask for a
25 closed hearing to continue discussing this.

1 THE COURT: Okay. We can do that. We'll go
2 ahead and close the hearing. So I would ask individuals from
3 outside of this group to step out, please.

4 (Refer to a separate sealed transcript of
5 proceedings.)
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1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 6, 2018, 3:11 P.M.

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4 THE CLERK: The record has been unsealed, your
5 Honor.

6 THE COURT: All right, we're unsealed. The
7 government has appeared. Now we've got more government
8 counsel than we need.

9 MR. JAROCH: They were calling everybody they
10 could get in touch with, your Honor, and I apologize for not
11 being here. I think this just kind of fell off everybody's
12 radar.

13 Eli had a medical or family emergency back on the
14 east coast so, again, we apologize.

15 Brandon Jaroch on behalf of the United States. With
16 me is Mark Woolf as well, and I spoke with Ms. Roohani before
17 coming back onto the record.

18 THE COURT: Yeah, my reaction was since
19 Ms. Giroux had been here last week and knew about the hearing,
20 I was surprised that she didn't figure out how to get a
21 replacement for her.

22 MR. JAROCH: I understand.

23 THE COURT: So I'll vacate my order to show
24 cause, I understand you're here now, and I appreciate that.

25 To bring you up-to-date, the motion to withdraw as

1 counsel by Ms. Connolly has been denied. She, however, will
2 remain as CJA counsel, and I've sworn in Mr. Fuechtener on his
3 financial affidavit, and I found that for now he has no funds
4 available.

5 But I recognize that there may be -- that funds
6 will -- that there are a million dollars of funds in the
7 housing deposit that the Court is holding under the All Writs
8 Act, and that he may be able to access those funds as a result
9 either of a motion that Ms. Connolly would draft asking for
10 funds for what she needs to finish this case, or from the
11 Schonfeld motion provided that it's considered by the Court
12 and whatever the decision is on that.

13 So we continue with Ms. Connolly as counsel. She's
14 going to need more time because this whole process has been
15 interrupted over the last couple of weeks while we're trying
16 to figure this out, and the sentencing, of course, is an
17 important issue in this case.

18 So as CJA counsel now, she'll be applying for funds
19 and what have you to do whatever she wants to do on that side.
20 So I've encouraged her to submit a request to continue the
21 sentencing, and I put that in the minutes that she's going to
22 be doing that.

23 And, you know, I'm hopeful that the government will
24 realize that this has been a problem, and that an extension of
25 a reasonable period of time is not going to be such a big

1 deal.

2 MR. JAROCH: And I'll pass that along, your
3 Honor.

4 THE COURT: And so I think that's it.
5 Anything more that I need to put on the record?

6 MS. CONNOLLY: No, sir.

7 THE COURT: Any questions from the government?

8 MR. JAROCH: No, your Honor.

9 THE COURT: All right. Thanks for showing up.
10 Thanks very much.

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13 I certify that the foregoing is a correct
14 transcript from the record of proceedings
in the above-entitled matter.

15 /s/Margaret E. Griener 5/3/2019
16 Margaret E. Griener, CCR #3, FCRR
17 Official Reporter
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